



PANHANDLE HEALTH DISTRICT

Healthy People in Healthy Communities

DISTRICT 1 BOARD OF HEALTH MEETING
8500 N. ATLAS ROAD, HAYDEN, IDAHO 83835
October 25, 2007
Minutes

8500 N. ATLAS ROAD
HAYDEN, IDAHO 83835
<http://www2.state.id.us/phd1>

Members Present:

Marlow Thompson, Chairman
Chris Beck, Vice Chairman
Allen Banks, Ph.D.
Sharon Connors
Walt Kirby
Richard McLandress, M.D.
Dale VanStone

Staff Present:

Jeanne Bock
Jim Fenton
Tanya Chesnut
Mary DeTienne
Mashelle Kenney
Dick Martindale
Dale Peck
Cynthia Taggart
Lora Whalen

Guests Present:

Nancy Stricklin, Attorney
Jamie Davis, Bonner Soil and Water Dist.
John Saffeeles, NIBCA

Chairman Thompson called the Board of Health meeting to order at 1:00 p.m. and stated that the agenda needed to be adjusted to reflect approval of the October 4, 2007, conference call minutes.

MOTION: Mr. Kirby moved to adjust the agenda to include approval of the October 4, 2007, conference call minutes; seconded by Mr. VanStone. All in favor; passed unanimously.

Review of Minutes—September 27, 2007, and October 4, 2007 – Marlow Thompson

MOTION: Mr. VanStone moved to approve the minutes of September 27, 2007, and the minutes of October 4, 2007; seconded by Mr. Kirby. All in favor; passed unanimously. Minutes approved as submitted.

Negotiated Rule Making Process Update – Dale Peck

▪ **Report of Public Hearings**

A written summary of the Hearing Officer's report was provided in the Board of Health reports. Of the 61 comments received (written and oral), 58 were in favor of the rule changes and 3 were opposed.

▪ **Rule Change Proposal**

Mr. Peck and Ms. Bock met with Senator Goedde this morning. Senator Goedde had concerns with the impact on new homebuyers and existing homeowners as well as lakefront property owners who may want to expand. He agreed not to oppose a modified version of the septic flows of 300 gpd for one and two bedroom homes vs. 400 gpd and suggested that PHD compromise and reinstate the spec drainfield change that went into effect last year. The realtors would like to obtain drainfield approval on sites without submitting building plans to make sites more marketable. We reached agreement to a five-year limit on spec drainfield permits.

Dr. McLandress asked if under the five-year provision, would systems be reinspected? Mr. Peck replied that if they connect to the system within the five years, they would need an authorization to connect permit to verify that the system is still as it was when they permitted it and verify that the building will be placed in the same area on the parcel as it was permitted for.

Dr. McLandress asked about the outcome of the study data of one and two bedroom homes. Mr. Peck said he received good data from District 4—they evaluated 250 single-family homes and three-bedroom homes were right at 400 gpd.

John Saffeeles, NIBCA, stated that most of NIBCA's concerns have been addressed with PHD and they are not going to oppose the rules. The spec drainfield allows realtors to know if a site is suitable for a system in advance.

Mr. Peck recommends that the Board approve the modified flows for one and two bedroom homes to 300 gpd and a reinstate spec drainfields with a five-year limit. If the Board wants to move forward to the 2008 legislature, it needs to be decided by November 4 to post it in the Administrative Bulletin.

Mr. Beck stated that without legislative support, it is not in our best interest to move forward. It seems there is some common ground with Senator Goedde that he won't oppose the rules. Are all the other legislators in support?

Jamie Davis, a representative from Bonner Soil and Water Conservation District expressed the their support, in writing, of the 400 gpd minimum design flow as was published.

MOTION: Mr. Kirby moved that PHD move forward with the rule change proposal to include the documents presented (the change to the District 1 Health Code) as modified effective July 1, 2008; seconded by Dr. McLandress.

Discussion: Jeanne met with the other district directors and asked for their support and considering statewide rulemaking. They agreed to look at flow rates statewide will be discussed at the next IAB and submit a request IDEQ to join together to support statewide rule change to modify subsurface wastewater system design flow standards.

Chairman Thompson called for the question and a roll call vote was taken: Ms. Connors: no; Mr. Kirby: yes; Mr. VanStone: yes; Mr. Beck: no; Dr. Banks: no; Dr. McLandress: yes; Chairman Thompson: yes. Motion carried.

Mr. Beck asked staff to make contact with all the North Idaho legislators and report back to the board within two weeks if it appears that there is opposition.

Mr. Peck thanked the Board for their support to the EH staff.

Fiscal Report – Jim Fenton

Mr. Fenton reported that the cash balance at the end of September was \$3,913, 679.

- Revenue: Licenses, permits and fees were under budget by \$52,368; Health Services were under budget by \$70,400; and FACH Health Services were under budget by \$21,800.
- Personnel expenditures were under budget.
- Total operating expenditures had an 8% positive variance.
- The building fund balance was \$606,719 at the end of September.

▪ **Resolution from Idaho Health Facilities Authority**

Mr. Fenton distributed copies of the amended draft of the Resolution of Board of Directors replacing the word *bond* with the word *financing*. Ms. Stricklin advised the term *agency* be changed to *district*.

MOTION: Mr. Beck moved to approve the resolution regarding financing with the changes recommended by legal counsel; seconded by Mr. Kirby. All in favor; passed unanimously. Motion carried.

Mr. Fenton distributed an e-mail regarding the Frazier case from Shelly Shannon, Executive Director of the IHFA. Mike Kane, attorney for the Health Districts, has the opinion that this case doesn't apply to the Health Districts; therefore, the IHFA should be able to provide financing. However, the opinion of the IHFA attorney, Mike Stoddard is that he's not so sure if this applies or not.

At the last discussion with PAC, they agreed they could finance the project, but not at the tax-exempt status, which would be more expensive.

MOTION: Mr. Beck moved to move forward with the two financing applications; seconded by Mr. Kirby. All in favor. Passed unanimously. Motion Carried.

Dr. McLandress left at 2:50 p.m.

Director's Report – Jeanne Bock

▪ **Executive Session**

MOTION: Mr. Beck moved that the Board go into Executive Session, pursuant to Idaho Code 67-2345 (sections a and f); seconded by Dr. Banks. A roll call vote was taken: Mr. Beck: yes; Dr. Banks: yes; Ms. Connors: yes; Mr. Kirby: yes; Mr. VanStone: yes. Motion carried.

The Board returned to regular session at 3:12 p.m.

MOTION: Mr. VanStone moved to approve the negotiated agreement between the Board and the Director for three years, effective 11/1/07, and authorize the chairman to sign the contract when ready. Seconded by Ms. Connors. All in favor; passed unanimously. Motion carried.

- **Policy 1-20, Open Flames, Heating Elements and Space Heaters in PHD Buildings**
This policy has been reviewed and approved by legal counsel.

MOTION: Mr. Beck moved to approve Policy 1-20, Open Flames, Heating Elements and Space Heaters in PHD Buildings; seconded by Ms. Connors. All in favor; passed unanimously. Motion carried.

- **Authorization to Sign MOA Between PHD and Bonner Mall**
This MOA has been reviewed and approved by legal counsel.

MOTION: Ms. Connors moved to authorize Ms. Bock to sign the MOA between PHD and the Bonner Mall; seconded by Dr. Banks. All in favor; passed unanimously. Motion carried.

- **St. Maries Building Project Update**
- Ms. Bock reported that the excavation has started and concrete pouring should take place this week.
 - Chairman Thompson, Ms. Bock and Mark Anderson will meet with the St. Maries Mayor the building permit fee. The original quote was \$9,000 for the permit, but now they are charging \$16,000.
 - The contractor has an estimated completion date of June 15.

The Legislative Update is scheduled for December 6, 2007, at 11:30 a.m.

The next regular Board meeting is scheduled for December 6, 2007, immediately following the Legislative Update.

There being no further business, the meeting adjourned at 3:20 p.m.

Adjourn



Marlow Thompson, Chairman 12/6/07
Date



Jeanne Bock, Director and 12/6/07
Secretary to the Board Date

**PUBLIC HEALTH DISTRICT NO. 1
PANHANDLE HEALTH DISTRICT**

RESOLUTION OF BOARD OF DIRECTORS

WHEREAS, the District has paid, beginning no earlier than, October 24, 2007 and will pay, on and after the date hereof, certain expenditures ("Expenditures") in connection with the acquisition, construction, and/or equipping of a Health District building in St. Maries, Benewah County, Idaho for the District (the "Project"); and

WHEREAS, the Board of Directors of the District (the "Board") has determined that those moneys previously advanced no more than 60 days prior to the date hereof and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period, and it will be necessary to reimburse the District for the Expenditures from the proceeds of financing,

RESOLVED, that the Board hereby declares the District's intent to reimburse the District with the proceeds of the financing for the Expenditures with respect to the Project made on and after October 24, 2007, which date is no more than 60 days prior to the date hereof; and

FURTHER RESOLVED, that each Expenditure was and will be either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the financing, or (c) a nonrecurring item that is not customarily payable from current revenues; and

FURTHER RESOLVED, that the maximum principal amount of the financing to be issued for the Project is \$ 1,500,000 and the District reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the financing; and

FURTHER RESOLVED, that the District will make a reimbursement allocation, which is a written allocation that evidences the District's use of proceeds of the financing to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid; and

FURTHER RESOLVED, that this resolution evidences the District's intent and reasonable expectation under Treas. Reg. Section 1.150-2(d)(1) to use the proceeds of the financing to pay the costs of the Project and to reimburse the District for

expenditures for the costs of the Project paid prior to the issuance of the financing to the extent permitted by federal tax regulations.

FURTHER RESOLVED, that all actions heretofore taken and the execution and delivery of all letters, certificates, applications, requests, agreements, papers and instruments in connection with the transactions referred to in and contemplated by the documents described in the preceding resolutions be, and hereby are, ratified, approved and confirmed; and

FURTHER RESOLVED, that the officers of the District be, and hereby are, authorized and directed to take such steps, to do such other acts and things, to make such payments, to execute such letters, certificates, agreements, papers or instruments as in their judgment may be necessary, desirable or appropriate in order to carry out the terms and provisions of the transactions referred to in the preceding resolutions and to otherwise consummate the transactions, steps and things contemplated hereby.

Dated this 25th day of October, 2007.

Signed Marlow Thompson
Its Board Chair